

REMARKS

Reconsideration of the present application is respectfully requested.

Indication that claims 4, 5, 8-10, 16, 17 and 20-22 contain allowable subject matter is greatly appreciated.

The objection to claims 12 and 24 are overcome by the cancellation thereof.

The rejection of claims 1-3, 6, 7, 11-15, 18, 19 and 23-28 under 35 USC 102(e) as being anticipated by Boutaghout et al. is respectfully traversed.

Claim 1 features accelerating the medium at a first acceleration rate and a second acceleration rate. Claim 24 features accelerating the medium at multiple acceleration rates. For Boutaghout to anticipate claims 1 and 24, these features "must be identically shown." *In re Bond*, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). (Emphasis added.) This Boutaghout does not do.

Nowhere does Boutaghout disclose the acceleration rates of the first and second rotational velocities disclosed therein. So it is unknown whether the acceleration rates of the first and second rotational velocities disclosed in Boutaghout are achieved by first and second acceleration rates (claim 1) or multiple acceleration rates (claim 24). Boutaghout may use a single acceleration rate to achieve both first and second rotational velocities disclosed in Boutaghout. And it is not inherent in the disclosure of Boutaghout that to achieve each of the first and second rotational velocities disclosed in Boutaghout that first and second acceleration rates (claim 1) or multiple acceleration rates (claim 24) are used. Since these claim features are not identically shown in Boutaghout, claims 1 and 24 are not anticipated and are allowable. Dependent claims 2, 3, 6, 7 and 26-28 are also allowable due to their respective dependence on allowable claims 1 and 24.

Claim 13 features that as the storage disc rotates at one of the group consisting of the first predetermined rotational velocity and the threshold rotational velocity, moving a transducer from a landing zone to a region of the storage disc. Boutaghout discloses unloading from a ramp. A ramp is not identical to a landing zone. Therefore, this feature of claim 13 is not identically shown. As a result, claim 13 is not anticipated and is allowable. Claims 14, 15 and 19 are allowable due to their dependence on allowable claim 13.

Claims 1-7, 13-17, 19, 25 and 26 are amended to more fully claim the present invention. The amendments to these claims are not made in view of any patentability issues of those claims. In the particular, the arguments set forth above regarding the claim rejections are based on claim features that are part of the claims as originally filed. In other words, the arguments are not based on features that have been amended.

The examiner is respectfully requested to allow all the pending claims, and pass this case to issuance.

Comments on Statement of Reasons for Allowance

The Applicant agrees with the Examiner's Statement of Reasons for Allowance to the extent that the claims of the present invention are patentable over the references in the record. The Applicant expressly traverses the Examiner's Statement of Reasons for Allowance to the extent that any comment is intended or has the effect of limiting a claim scope, explicitly or implicitly, by not reciting verbatim the respective claim language, or is intended or has the effect of limiting a claim scope by stating or implying that all the reasons for patentability are in any way fully enumerated.

Respectfully submitted,

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(Assignee of Entire Interest)

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Date

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